

REMARKS/ARGUMENTS

In response to the above-identified Office Action dated February 3, 2005, Claims 1-20 remain pending in the present application.

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the remarks to clarify issues upon appeal.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

The Examiner rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al. ("Rasansky") in view of Zigmond et al ("Zigmond") and rejected claims 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Rasansky in view of Zigmond and further in view of Tominaga et al. ("Tominaga"). Applicant respectfully disagrees with the rejections.

The present invention overcomes obstacles faced by the local broadcaster or cable operator in implementing a system to insert local commercials at small markets into a national program feed distributed by satellite. Through the present invention, an Internet file server provides an intermediary for file transfers between a local traffic system and a central site server of a digital media distributor system. As described in the specification on page 3, line 21 - page 4, line 2, a digital media distributor (DMD) in accordance with the present invention provides a complete end-to-end system that gives local cable or network affiliates the ability to provide local ads and announcement insertion together with the delivery of cable or network feed(s).

Independent claims 1, 8, and 15 recite the features of the digital media distributor system, as described in the specification and the aspect of the local traffic system providing schedule initiation

for local advertisement and announcement times, as presented in the specification on page 8, lines 8-13.

Rasansky is wholly concerned with providing customized personal calendars from information stored in a database through the Internet, so as to obviate the need for special software calendar programs to be purchased by end users (see Abstract). The Appointnet system described by Rasansky provides “an efficient mechanism through which an individual or groups of individuals can set appointments in time and space; organize events; send announcements; and post reminders in such a way that information is available to selected individuals or groups of individuals” (column 5, lines 9-14). In support of the Appointnet system, Rasansky does discuss the use of Internet information server software for a web subsystem through which all interactions between client devices and a database subsystem occur (see column 5, lines 52 - column 6, line 3). However, as presented in this section of Rasansky, it is merely “calendars, forms for invitations, announcements, and reminders” that are generated by the Web subsystems using information stored in the database subsystem. Thus, Applicant respectfully submits that Rasansky’s Appointnet system fails to teach, show, or suggest the provision of an Internet file server or intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system, as recited by the Applicant in independent claims 1, 8, and 15.

In response to these arguments by the Applicant, the Examiner states:

Applicants argue that Rasansky does not teach or suggest the provision of an Internet file Server r [sic] intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system. In response to Applicant's argument, the Patent Office maintain the rejection because Rasansky discloses the provision of an Internet file Server intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system as shown in Fig. 1D, Internet file server 200 intermediary for file transfer between a central site server 50 and at least one local traffic 90 [sic]. Rasansky clearly shows the provision of an Internet file Server

intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system.

With respect to the Examiner's position that Rasansky teaches an Internet file server 200, Applicant respectfully disagrees. What Rasansky actually teaches is that "Internet Information Server 200 (IIS) by Microsoft Corporation is preferably used as the Web Server 50 software" (col. 5, lines 56-58) and that "the Windows NT 4.0 server includes IIS, which is a completely integrated Internet application platform." (col. 7, lines 4-5) Applicant respectfully submits that as an integrated software program included as part of operating system of a Web server 50, the so-called 'Internet file server' 200 is wholly integrated in the so-called 'central site server' 50. In contrast, however, the provision of an Internet file server or intermediary for file transfers is recited as being at a central site and utilized/coupled between a central site server and at least one local traffic system in a digital media distributor system.

Further, even when considering the cited art of Zigmond with Rasansky, Applicant respectfully submits that the recited invention is not taught, shown, or suggested. As the Examiner admits, the cited art of Rasansky does not teach a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule initiation for local advertisement and announcement times. The Examiner then contends:

However, Zigmond teach a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide the local advertisement insertion together with delivery of broadcast program feeds (Fig. 7, Central site (Satellite service provider), ad source and send broadcast 132). It would have been obvious ... to combine the teachings of Rasansky with Zigmond to have a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds because it would have an utilization [sic] and convenient system in order to provide a system for delivering and displaying advertisements wherein the response of the viewers may be accurately measured.

Applicant respectfully disagrees.

The cited art of Zigmond provides for the selecting and inserting of advertisements into a video programming feed at the household level (see the Abstract). The Examiner points to the satellite service provider 130 of Zigmond as teaching the central site and to the ad source and send broadcast 132 as teaching the delivery of broadcast program with local advertisement insertion from the central site of the satellite service provider. However, Zigmond describes the activity of the satellite service provider in col. 17, lines 56-60, and states that the national broadcaster and cable network make available programming feeds to the “satellite service provider 130, which then uplinks an analog or digital data stream 132 to satellite 134.”

Applicant fails to see how a satellite service provider that merely uplinks a data stream to a satellite teaches or suggests the recited central site of a digital media distributor system. More particularly, Applicant fails to see how a satellite service provider that uplinks a data stream teaches or suggests a central site that could or would be combined with the central site of a web server pointed to by the Examiner in Rasansky. Further, there is nothing to teach or suggest how an IFS that supports file transfers could or would be at such a satellite service provider, in contrast to the IFS provided at Applicant’s recited central site.

Thus, Zigmond’s ‘central site’ of a satellite service provider fails to overcome the admitted deficiency of Rasansky to teach a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule initiation for local advertisement and announcement times. Given the inability of Zigmond to overcome this deficiency of Rasansky and the aforementioned deficiencies of Rasansky’s Appointnet system to teach, show, or suggest the provision of an Internet file server or intermediary for file transfers between a central site

server and at least one local traffic system in a digital media distributor system, as recited by the Applicant in independent claims 1, 8, and 15, Applicant respectfully submits that claims 1, 8, and 15 are allowable over the cited art.

Further, dependent claims 2-6 and 9-13 recite the transfer direction by the Internet file server with the local traffic system for each type of file, which indicate the singular direction of the transfer for that file type, as described in the specification, including page 8, lines 19-20 (“for each type of file, transfers occur in only one direction ...). Applicant respectfully submits that the achievement of efficient file transfer and traffic management in a digital media distributor system with the present invention is not anticipated or suggested by the Appointnet system of Rasansky, even when considered with the satellite service provider of Zigmond.

With regard to the reference of Tominaga, Tominaga is cited for teaching the exchanging of files according to a chosen Internet transfer protocol, including FTP. Given the aforementioned deficiencies of Rasansky in view of Zigmond, Applicant respectfully submits that even the inclusion of the teachings of Tominaga with Rasansky and Zigmond would not result in any teaching or suggestion of the recited invention.

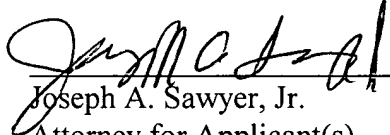
In view of the foregoing, Applicant respectfully submits that claims 1-20 are not taught, shown, or suggested by the cited art. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
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Date



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